

## REMARKS

Claims 1-16 are currently pending. Claims 1 and 10 have been amended and previously withdrawn claims 10-16 have been reinstated.

The Examiner rejected claims 1-7, 9-14, and 16 under 35 U.S.C. §103(a) as being unpatentable over Polly (U.S. Patent No. 3,667,315) in view of Yang (U.S. Patent No. 4,181,190).

Claim 1 defines a heated handgrip assembly that is adapted to be secured to a vehicle handlebar. The heated handgrip includes a grip having a first end adapted to receive the handlebar and a second end opposite the first end. A grip sleeve extends between the first and second ends. A heating element is operable to provide a heat output. The grip sleeve defines a first outer diameter. A dial extends from the second end to control the heat output of the heating element. The dial has a second outer diameter that is smaller than the first outer diameter.

Polly does not teach or suggest a heated handgrip assembly that includes, among other things, a dial that extends from the second end of the handgrip to control the heat output of the heating element. Rather, Polly discloses a handle bar heater for a snowmobile. The heater includes a cartridge heater 21 that is disposed within the handle bar. The cartridge heater is inserted into the open end 12 of the handle bar and is held in place by suitable filling material and a spring or shim 29. Insulating plugs 30 and 31 are positioned in the opening 12 at each end of the cartridge. The handgrip 13 is then repositioned on the tube to close the opening 12. A rheostat is used to control the heat output of the cartridge heater 21. The rheostat is electrically connected to the cartridge heater via a wire 33 that is threaded through the handle

bar tube. However, there is no dial extending from the second end of the grip that is operable to control the heat output of the heating element.

Yang does not cure the deficiencies of Polly. Yang discloses a rotatable handgrip 14 that includes a stationary reference plug 148, 149 on the end portion. The handgrip 14 is rotated to extend or retract a flexible shaft 16, which moves a control rod 20, which in turn manipulates the linkages within the mechanism box 10. The linkages within the mechanism box 10 can control a throttle control, horn switch, controllable legs, wheel brake controls, aft wheel lock, wheel brake locking device, and an engine ignition switch. *See col. 4, lines 40-45.* However, the handgrip 14 does not control the heat output of a heating element. In addition, even if the device of Yang could be adapted to control a heating element, a teaching not found in Yang or Polly, the resulting device would not include a dial that extends from an end of a hand grip to control the heat output of a heating element. Rather, the device would require rotation of the handgrip to control the heating element. The plug or dial that extends from the end of the handgrip remains stationary. Thus, the dial would control nothing, but would rather serve as a reference for the movable handgrip.

Furthermore, the teachings of Yang, if applied to the device of Polly, would not lead to the claimed subject matter. The device of Polly reuses the original handgrip. Thus, positioning a dial such that it extends from the second end requires the modification of the handgrip. Specifically, a hole must be formed in the handgrip and sized to receive the dial. In addition, to position the dial adjacent the second end to control the heat output would require the placement of the rheostat 34 within the handgrip. This position would require a complete redesign of the heated handgrip including reorienting the heating element and electrical connections; none of these steps are taught or suggested by either Polly or Yang.

In light of the foregoing, Polly and Yang, alone or in combination, do not teach or suggest each and every limitation of claim 1. As such, claim 1 is allowable. In addition, claims 2-7 and 9 depend from claim 1 and are allowable for these and other reasons.

Claim 10 defines a heated handgrip assembly that is adapted to be secured to a vehicle handlebar. The heated handgrip includes a grip housing that has a first end adapted to receive the handlebar and a second end opposite the first end. A grip sleeve extends between the first and second ends and a heating element is operable to provide a heat output. A dial extends from the second end to control the heat output of the heating element. The dial includes a rib.

As discussed with regard to claim 1, neither Polly nor Yang, alone or in combination, teach or suggest a heated handgrip that includes, among other things, a dial that extends from the second end to control the heat output of the heating element. Rather, Polly discloses a handlebar heater that includes a rheostat 34 that controls the heat output. The handgrip does not include a dial that controls the rheostat 34 to control the heat output of the cartridge heater 21.

Yang discloses a handgrip 14 that can be used to control several functions of a motorcycle. However, controlling the output of a heating element is not one of the described functions of the handgrip 14. Furthermore, the handgrip 14 does not include a dial that extends from the second end to control anything, much less a heating element. Yang does include a plug that extends from the end of the handgrip 14. However, the plug performs no control function. Rather, the handgrip 14 is rotated to perform the control function, while the plug remains stationary to provide a rotational reference for the handgrip 14.

In light of the foregoing, Polly and Yang, alone or in combination, do not teach or suggest each and every limitation of claim 10. As such, claim 10 is allowable. In addition, claims 11-14 and 16 depend from claim 10 and are allowable for these and other reasons.

The Examiner rejected claims 8 and 15 under 35 U.S.C. §103(a) as being unpatentable over Polly in view of Sato (Japanese Patent No. JP02003080925) and MacKay (U.S. Patent No. 5,931,750).

Claim 8 depends from claim 1, and claim 15 depends from claim 10. As discussed with regard to claims 1 and 10, Polly does not teach or suggest each and every limitation of claim 1 or claim 10. Sato does not cure the deficiencies of Polly. Sato discloses a heater control lever that is rotatable about an axis. The lever appears to extend from the dashboard of an automobile. Thus, Sato teaches nothing regarding positioning a dial at one end of a handgrip to control the heat output of a heating element. Both Polly and Sato teach the positioning of a control away from the steering mechanism of the vehicle, rather than in the steering mechanism (i.e., the handle bar), as recited in claims 1 and 10.

MacKay does not cure the deficiencies of Polly and Sato. MacKay discloses a baseball bat with an end cap. As an initial matter, MacKay is non-analogous art in that one looking to solve a problem associated with a heated handgrip for a motorcycle would not look to the baseball bat art. Even if the baseball bat art was analogous, MacKay does not teach or suggest a concave end on the handle portion of the bat. Rather, MacKay teaches a concave end on the end of the bat opposite the handle. Furthermore, if one did apply the teachings of MacKay to the teachings of Polly and Sato one would not arrive at the invention recited in claims 1 or 10. MacKay teaches nothing regarding the positioning of a dial at one end of a handgrip to control the heat output of a heating element.

In light of the foregoing, Polly, Sato, and MacKay, alone or in combination, do not teach or suggest each and every limitation of claims 1 and 10. As such, claims 1 and 10 are allowable. In addition, claims 8 and 15 depend from claims 1 and 10 respectively, and are allowable for these and other reasons.

**CONCLUSION**

In light of the foregoing, Applicant respectfully submits that Claims 1-16 are allowable.

The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,



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